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SANTA FE COUNTY
Ordinance No. 2003 - 7

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 7, EL VALLE DE ARROYO SECO HIGHWAY CORRIDOR ZONING DISTRICT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, IS AMENDED TO ADD A NEW SECTION 7 AS FOLLOWS:

SECTION 7 - EL VALLE DE ARROYO SECO HIGHWAY CORRIDOR ZONING DISTRICT

7.1. Applicability of Ordinances and the Land Development Code

All provisions established via the Santa Fe County Land Development Code (herein referred to as "the Code") shall be applicable to all property within the El Valle de Arroyo Seco Highway Corridor Zoning District except those specifically modified by this Ordinance.

7.2. Applicability of Ordinance and Access Management

In order to preserve current and future functional integrity of this segment of US 84/285, criteria established by the State Access Management Manual for Rural Principal Arterials, per NMAC 18.31.6, as amended, shall be used in determining access requirements.

7.3. Location of El Valle de Arroyo Seco Planning Area Boundaries

The El Valle de Arroyo Seco Highway Corridor Zoning District shall consist of property designated by Santa Fe County Resolution 2003-3, as amended. The following map depicting these areas is hereby adopted and incorporated into this section.

a.) El Valle de Arroyo Seco Highway Corridor Zoning District.

7.4. Intent of The El Valle de Arroyo Seco Highway Corridor Plan:

The standards and regulations set forth for this Planning Area are intended to implement the purposes, intent, planned land use goals and strategies of El Valle de Arroyo Seco Highway Corridor Plan, adopted and approved by the Board of County Commissioners on January 14, 2003 via Resolution 2003-4, as amended, pursuant to the Community Planning Process set forth in Article XIII of the Code (Ordinance 2002-3, as amended). This Ordinance shall apply to all development occurring after the adoption of this Ordinance and development not legally in existence at the time of adoption of this Ordinance.

7.5. Zoning Density:

7.5.1. Traditional Community Zoning District:

Maximum density permitted within Traditional Community Zoning Districts is three quarters of an acre per one dwelling unit (.75 acre). Adjustments to the maximum permitted density adjustments must follow the requirements set forth in Article III, Section 10 and Article VII, Section 6 of the Code, as amended, along with all requirements set forth in this Ordinance.

7.6. El Valle de Arroyo Seco Highway Corridor Zoning Standards:

7.6.1. Residential uses shall be permitted in the entire zoning district.

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7.7. Home Occupations

7.7.1. Home Occupation Definition

Proposed mixed-use development consisting of development that house both residential and non-residential uses on the same property and/or in the same structures shall be permitted. Home occupations are appropriate throughout the zoning district.

7.7.2 New Home Occupation Businesses:

New home occupations shall meet the standards of Article III, Section 3 of the Code, as amended, with the following changes:

a.) No more than three (3) persons, other than individuals residing on the premises, shall be regularly engaged in work at the site of the home occupation.

b.) All parking for the residence and home occupation, including all parking for the resident(s), employees and patrons, must be off the Right-of-Way, roadway and shoulders of the road and meet all code requirements.

c.) Home occupation businesses may not occupy more than fifty percent (50%) of the total square footage of the legally permitted residence. The area of a legally permitted accessory structure used for the home occupation may not be larger than fifty percent (50%) of the total square footage of the residence. A home occupation may be located in either the residence or an accessory structure, but the total area used for business purposes is limited to less than 50% of the total square footage of the legally permitted residence.

d.) Signs may not be more than 9 square feet in size.

e.) No illuminated signs.

f.) Home occupation businesses must provide 1 parking space per employee and one per every 400 square feet of structure used for business.

g.) Applications for home occupations shall be administratively reviewed, under the procedures outlined in Article III, Section 3 of the Code.

7.8. Home Business

7.8.1. Home Occupation Definition

The Home Business category shall amend Article III, Section 3 of the Code to add a Home Business Section. Home Business shall be defined as small-scale commercial uses that are conducted from a place of residence. All Home Businesses shall meet the criteria established in this ordinance.

7.8.2. Location of Home Businesses

7.8.2.1. Home Businesses shall be permitted on property within the El Valle de Arroyo Seco Highway Corridor Zoning District that is contiguous to the US 84/285 Right-of-Way boundary.

7.8.3. Home Business Density

7.8.3.1. Maximum density for a home business shall be one dwelling unit per 1.5 acres.

7.8.4. Permitted Home Business Activities and Uses:

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7.8.4.1. Activities that may be permitted as a home business shall include:

a. Retail establishments including arts and crafts, galleries, TV/VCR/Computer sales and service, bookstores, grocery stores, greenhouses and nurseries up to 2,000 square feet;

b. Small scale bed and breakfast establishments not to exceed four guest bedrooms;

c. Professional service establishments including attorney offices, medical and dental offices, veterinary establishments, realtors, accountants, barber and beauty shops, shoe repair shops up to 2,000 square feet;

d. Small scale automotive repair up to 2 bays;

e. Small scale restaurants, diners and coffee shops up to 2,000 square feet;

f. Small scale daycare and adult care facilities up to 2,000 square feet;

g. Breeding and boarding facilities with a maximum of 6 animals under care at the business site overnight;

h. Small manufacturing establishments for metal and woodwork, furniture making, and artisan material production up to 2,000 square feet.

7.8.5. Home Business Proprietor:

7.8.5.1. The proprietor of a home business must reside on site. The home on the subject property must be proprietor's primary residence.

7.8.6. Home Business Employees:

7.8.6.1. The maximum number of employees permitted at a home business, other than residents, is 6 per home business.

7.8.7. Home Business Square Footage:

7.8.7.1. The total area used for a home business and related activities shall not exceed two thousand (2,000) square feet of the residence and/or accessory structures.

7.8.7.2. The space used for business may be part of the house or accessory structure.

7.8.8. Home Business Outdoor Storage Areas:

7.8.8.1. Outdoor storage areas shall not exceed 1,000 square feet or one half of total home business square footage, whichever is less.

7.8.8.2. All outdoor storage areas must be screened in accordance with Section 7.13 of this Ordinance.

7.8.9. Home Business Signs:

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7.8.9.1. A maximum of one sign shall be permitted per business.

7.8.9.2. Signs may be either building mounted or pedestal mounted.

7.8.9.3. Maximum square footage of any sign shall not exceed thirty-five (35) square feet.

7.8.9.4. Illuminated signs are not permitted. Reflective signs are permitted.

7.8.9.5. Sign height and setbacks shall follow the standards as set in 7.11.6 of this Ordinance.

7.8.10. Home Business Water Consumption Restrictions:

7.8.10.1. In addition to water permitted to be used for residential use, home businesses may use up to one-quarter (.25) acre-foot of water per year (approximately 81,400 gallons) for business-related activities if the property is using a private well to supply water. If the business is connected to a community water system, the water restriction will not apply.

7.8.10.2. Wells must be metered for all home businesses. Annual water readings shall be sent to the Land Use Administrator, and are subject to periodic random meter readings.

7.8.11. Home Business Trash Management:

7.8.11.1. Home businesses must provide detailed trash management plans to demonstrate that all solid waste generated from the operation will be properly managed and disposed of as follows:

a). Trash receptacles must be screened on all sides by a solid wall or fence & gate.

b). Trash must be removed on a bi-weekly basis.

7.8.12. Home Business Noticing:

7.8.12.1. Prior to commencement of a home business, the applicant shall give notice of the application by posting a notice provided by the County for a minimum of thirty days on the most visible and accessible part of the property from the US 84/285 Right-of Way. The public notice and a laminated copy of the site plan showing existing and proposed development shall be firmly attached to the notice. Upon final decision on the application, the applicant shall remove the notice within seven (7) days.

7.8.13. Home Business Submittals:

7.8.13.1. An application for a home business shall be submitted to the Land Use Department on a form provided by the Land Use Department and will include a letter of intent to include the following:

a) Activities involved;

b) Materials and equipment used;

c) Description of business;

d) Number of employees;

e) Type of product to be produced, serviced or repaired;

f) Mechanical and electrical equipment necessary to the conduct of the home business use;

g) Amount, location, and method of storage of supplies and or equipment;

h) Type and amount of traffic anticipated to be generated;

i) Location of parking;

j) Water budget:

k) Signage details;

l) Site Plan; and

m) Lighting plan (if applicable).

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7.8.14. Review of an application for a Home Business

7.8.14.1. Applications for home businesses shall be reviewed by the Land Use Administrator to ensure the application meets all criteria established in this ordinance. Applications shall be administratively reviewed by the Land Use Administrator pursuant to Article 2, Section 2.3 of the Code.

7.9. Commercial Uses:

7.9.1. Areas for Commercial Development and Requirements

7.9.1.1. Existing Commercial Uses-Property that is zoned commercial at the time of adoption of this Ordinance shall be permitted to continue as commercial uses. Such commercial development shall be required to meet all requirements of the Code. Property that has received a variance allowing commercial development at the time of the adoption of this Ordinance shall be identified as existing commercial. Changes in use, intensity of use, location and type of commercial development after the date of the adoption of this Ordinance shall be permitted, but such changes shall be required to apply for development plan approval, and otherwise meet the provisions of this Ordinance.

7.9.2. New Commercial District

7.9.2.1. This Ordinance shall establish a new commercial district. The Commercial District shall be defined as the area contiguous to US 84/285 Right-of-Way from the intersection of County Road 88 (La Puebla Road) running north to the end of the Highway Corridor Zoning District as identified in the El Valle de Arroyo Seco Highway Corridor Zoning District map. Additionally, property north of Bar D Road to La Puebla Road contiguous to US 84/285 shall be allowed to apply for commercial development until December 31, 2006.

7.9.2.2. Permitted Commercial Uses

The following is a list of permitted commercial uses, including but not limited to:

a. Small scale restaurants, up to 35 seats;

b. Small grocery stores;

c. Greenhouse nurseries;

d. Retail stores;

e. Open markets/farmers markets/roadside stands;

f. Banks;

g. Dental/medical and veterinary offices;

h. Small scale automotive repair shops up to 4 bays;

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i. Bed and breakfasts;

j. Community facilities;

k. Day cares;

l. Business incubator facilities;

m. Small scale manufacturing;

n. Light industrial; and

o. Institutional Uses.

7.9.2.2 Prohibited Commercial Development:

Commercial development that is not permitted in the new commercial district includes: gas stations, truck stops, asphalt batch plants and asphalt production plants, large-scale mining, gravel pits, any warehouse which stores or transfers chemicals, septic tank pumping waste disposal, grease trap waste disposal, large-scale manufacturing plants, gasoline/butane/oil storage facilities or distribution, large scale automotive services/repair facilities over 4 bays, car washes, sludge disposal fields, mortuaries, municipal and/or hazardous landfill, and slaughter houses, bars and nightclubs, liquor sales, golf courses and high water use businesses which consume over 1 acre foot of water per year, or other uses of similar characteristics.

7.9.3. Non-Conforming Uses

7.9.3.1. Existing uses of land or structures constructed prior to the adoption of the effective date of the County Code or made non-conforming by this Ordinance are considered non-conforming uses, and, except as otherwise provided in Article II Section 4.5 of the County code, may continue so long as it remains otherwise lawful.

7.9.4. Commercial Water Use Restrictions:

7.9.4.1. Wells must be metered for all new commercial development within the new commercial district. Annual water readings shall be sent to the Land Use Administrator, and are subject to periodic random meter readings.

7.9.4.2. All new commercial development shall be required to connect to a community water system when system is extended to within 200 feet of the property line, provided that adequate capacity exists in the system and water taps are available. If connection to a water system is not possible, the new commercial development within the new commercial district shall limit

water consumption to .35 acre feet (approximately 114,030 gallons) of water per year. This water consumption requirement applies only to use of water for commercial purposes from domestic wells as defined by the state and does not apply to any other water rights (irrigation or private).

a. If the community water system is already in place and capable of providing service or if a water system is expected to become operational within six (6) months or less, connection to the system will be required immediately upon the time of service capability within the system. The requirement for connection shall be duly noted on the survey plat and the property owner shall agree to submit a financial guarantee to ensure connection within six (6) months prior to final approval.

b. If the community water system is not expected to become operational within six (6) months or less, the new development will be granted a 5 year grace period from the time the water line is actually installed and taps are available before connection to the system will be required. The requirement for connection shall be duly noted on the survey plat prior to final approval.

7.9.5. Commercial Water Resources Plan:

All new commercial development or expansions that result in an increase in water use for existing commercial developments shall submit a water resources plan at the time of application. The water resources plan must demonstrate secured access to a 100 year supply of water as well as water rights to meet all current and projected demands for the business operation as required by state law and Article VII Section 6 of the Land Use Code.

7.9.6. Non-Residential Building Height:

7.9.6.1. The maximum building height for non-residential development is 24 feet.

7.9.7. Non-Residential Lot Coverage:

7.9.7.1. For non-residential uses, the total area of principal structures and accessory structures shall be no more than twenty percent (20%) of the lot area. The 20% lot coverage restriction shall not include parking and outdoor storage areas.

7.9.8. Non-Residential Building Lots and Square Footage:

7.9.8.1. The total area used for business and related activities shall not exceed twenty five thousand (25,000) square feet.

7.9.8.2. Buildings larger than ten thousand (10,000) square feet must include architectural offsets for every 10,000 feet in length.

7.9.8.3. Only three businesses may occupy a single lot.

7.9.9. Non-Residential Setbacks

7.9.9.1. Buildings with side or rear parking must be set back fifty (50) feet from Highway Right-of-Way boundary.

7.9.9.2. Buildings with front parking must be set back seventy-five (75) feet from Highway Right-of-Way boundary. Parking is permitted within twenty-five (25) feet of the building in the front setback area.

7.9.9.3. Non-residential buildings must be set back at least one hundred (100) feet from existing residential structures on adjoining property.

7.9.9.4. If over 100 feet exists between the property line of a non-residential parcel and an existing residential structure, new non-residential buildings and related development must be set back at least 25 feet from the property line.

7.10. Lighting

7.10.1. All Code lighting and noise standards shall apply in the Zoning District. All outdoor lights shall be shielded pursuant to the standards of Article III, Section 4.4.4 of the Code, as amended.

7.10.2. Non-residential development must fully shield all lights, including any perimeter lights, to direct light downward and shall be designed so that illumination areas do not cross the property boundary.

7.11. Signs:

7.11.1. Billboards and signs on mobile objects are not permitted. Mobile objects include truck trailers, shipping containers and mobile homes.

7.11.2. Maximum square footage of all signs shall be 70 square feet.

7.11.3. One freestanding sign and one building mounted sign will be permitted per non-residential lot.

7.11.4. Building mounted signs must fit architectural style and design of the building and will not protrude over 5 feet above highest point of structure.

7.11.5. Advertising is permitted on two sides of the sign. Square footage for free standing signs shall be measured on one face only.

7.11.6. Maximum Sign Height and Setbacks:

7.11.6.1. All signs shall be set back a minimum of 7 feet from the property line or any existing road Right-of Way.

7.11.6.2. Signs shall be set back a minimum of 25 feet from contiguous property lines.

7.11.6.3. Free-standing signs shall be a maximum height of 7 feet at beginning of setback up to a maximum sign height of 24 feet at 100 feet back. Height of the sign shall be measured from the top of the sign to the pre-disturbed ground level. Maximum sign height shall be based on set back from R-O-W in accordance with the schedule below:

Sign Height	Set Back
7'	7'
10'	23'
15'	50'
20'	78'
24'	100'

7.11.7. Internally and Externally Lit Signs:

7.11.7.1. Externally lit signs shall use shielding that only illuminates the advertising surface of the sign

7.11.7.2. All externally lit signs shall be directed downward.

7.11.7.3. Illumination on signs shall be turned off after business hours.

7.11.7.4. A maximum of one illuminated sign is allowed per business.

7.11.7.5. Internally illuminated signs shall be designed so that only the lettering of the sign shall emit light after dark.

7.12. Wireless Communication Facilities (WCF)

The term wireless communication facilities (WCF) is used in place of cell towers whenever used in this document. The existing County Ordinance relating to wireless communications antennas, towers and other facilities; prescribing regulations for location, placement, appearance and design (Ordinance 2001-9) shall be in effect with the following amendments:

7.12.1. Maximum height for WCF is limited to 24 feet.

7.12.2. WCF shall be located only in the commercial district of the Highway Corridor.

7.12.3. WCF shall be of mono-pole construction.

7.12.4. WCF shall not be placed on properties contiguous to existing residential properties.

7.12.5. WCF must be setback 50 feet from US 84/285 Highway R-O-W.

7.12.6. Minimum distance between WCF's is one thousand (1,000) feet.

7.13. Screening

All screening must be fully installed and maintained to meet health and safety standards so long as the development is in operation.

7.13.1. New commercial development must provide screening of the development, including parking areas and accessory structures from adjoining properties.

7.13.2. Minimum height of screening will be six (6) feet.

7.13.3. Screening may be constructed using stucco walls, coyote fences or wooden fences and placed on the property of the commercial establishment.

7.13.3.1. Nonresidential developer may make agreement for type of fencing (i.e. brick, stucco or other) with adjoining landowner. If no agreement is reached, the default screening material will be masonry block with stucco.

7.14. Noise Buffering

7.14.1. New commercial development that will create noise above ambient levels shall use sound walls or berms for minimizing traffic and business related noises.

7.14.2. Businesses that generate noise levels above the ambient levels for morning and evening must limit operations to between 8:00 a.m. and 6:00 p.m.

7.15. Landscaping:

7.15.1. Native vegetation shall be preserved, when possible, on development sites and local native plants shall be used for landscape buffers and screening. Areas disturbed in the process of developing the property but not actively used as part of the development, including graded areas and slopes, shall be re-vegetated by the developer.

7.15.2. When appropriate for safety and clear sightlines, revegetation shall use low ground cover shrubs in order to not block views of roadways and driveways for traffic safety.

7.15.3. All trees and shrubs used for required landscaping buffers must be maintained and screening must meet the following standards: trees shall have a caliper of one and one-half inch (1.5") or greater and shall be six feet (6') in height or taller. Shrubs shall be in five (5) gallon pots or greater in order to ensure a better chance of survival when planted.

7.15.4. Water Conservation Requirements for Landscaping

7.15.4.1. All landscaping and revegetation shall use Xeriscaping and/or native, drought tolerant plants.

7.16. Site Planning

New commercial development must meet all requirements of the County Terrain Management Guidelines and shall be designed to incorporate erosion control and to the extent possible, use runoff water for landscape irrigation.

7.17. Engine Retarders Prohibited along the entire El Valle de Arroyo Seco Highway Corridor

7.17.1. Engine Retarder Definition: For the purpose of this Ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning:

Engine Retarder: A device commonly known as an engine retarding system, engine brake or exhaust brake, which helps slow a motor vehicle's rate of speed and, when activated, creates noise through the motor vehicle's engine or exhaust system.

7.17.2. The use of engine retarders is prohibited, except in a bona fide emergency, along the El Valle de Arroyo Seco Highway Corridor Zoning District.

7.17.3. If at any time this Ordinance conflicts with published State Department of Transportation regulations or policy, the later shall apply.

7.18. Development Review:

7.18.1. Review of Commercial Development Applications:

Applications for new commercial development shall submit a statement of potential major impacts, including but not limited to traffic, water and environmental impacts, to the community, both positive and negative, as part of the master plan proposal.

7.19. Community Pre-application Review of Commercial Zoning and Large-scale Subdivision Applications

7.19.1. Applicants for any commercial development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.

7.19.2. The applicant shall publish notice of the time, place and purpose of the meeting in the legal section of a newspaper of general circulation in the community 21 days before the meeting and shall mail notice to Santa Fe County, Planning Area community organizations, and to all property owners within one thousand (1000) feet (excluding Rights-of-Way) of the subject property. Notice of the meeting shall be posted at Community notice boards identified by the Land Use Department. The property shall be posted as set forth in this Ordinance.

7.19.3. The applicant shall record the meeting proceedings and submit a written summary of the meeting proceedings and a list of attendees to the County along with the application for development. The summary and list of attendees shall be posted at Community notice boards identified by the Land Use Department.

7.20. Community Plan Review and Revision

7.20.1. Formation of a Community Plan Committee to Implement and Monitor Plan.

Upon adoption of this Ordinance, the County Planning Division will establish a permanent El Valle de Arroyo Seco Highway Corridor Plan Committee to conduct an annual review of the Plan as well as to review proposals for amendments to the Plan and this Ordinance. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. This committee shall consist of seven (7) members. Representatives shall be nominated by residents, property owners and business owners. Nominees must be a resident, business owner or property owner in order to be eligible to serve as a representative on the committee. Representatives shall serve for two-year terms and the terms shall be staggered to ensure continuity of the planning process. This committee shall follow the process established for community planning under Ordinance 2002-3, as amended, including consensual decision-making and open public meetings.

7.20.2. Amendments to the Plan:

All amendments to the Plan and this Ordinance shall be developed and proposed through the El Valle de Arroyo Seco Highway Corridor Plan Committee as described in 7.18.1 *Formation of Community Plan Committee to Implement and Monitor Plan*. Amendments to the Plan and Ordinance may be proposed at any time.

7.20.3. Community Review of the Plan:

An annual community review of The El Valle de Arroyo Seco Highway Corridor Plan and Ordinance shall be conducted to assess community concerns and assist in monitoring community conditions as well as implementation of Plan elements. The annual review shall be coordinated by the El Valle de Arroyo Seco Plan Committee and County Planning Division staff.

7.20.4. Biennial Review of the Plan by the Board of County Commissioners:

The El Valle de Arroyo Seco Highway Corridor Plan Committee (see 7.18.1 *Formation of Community Plan Committee to Implement and Monitor Plan*) shall present a biennial (once

every two years) review of The El Valle de Arroyo Seco Highway Corridor Plan and Ordinance to the Board of County Commissioners. Santa Fe County Planning Division staff shall assist in the preparation of these reports. Such reviews will include an update on the Plan's implementation and, if necessary, request direction from the Board on planning issues and/or new planning initiatives.

Severability

If any part of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and its application to other persons or circumstances shall not be affected thereby.

PASSED, ADOPTED AND APPROVED this 28 day of october 2003, by the Santa Fe County Board of County Commissioners.

Jack Sullivan, Chairman

ATTEST:

Rebecca Bustamante, County Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

10-6-03

Steve Ross, County Attorney

1298.672

COUNTY OF SANTA FE } ss
STATE OF NEW MEXICO
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 30 DAY OF OCT A.D. 20 03 AT 1:52 O'CLOCK P.M. AND WAS DULY RECORDED IN BOOK 2696 PAGE 433-448 OF THE RECORDS OF SANTA FE COUNTY
WITNESS MY HAND AND SEAL OF OFFICE
REBECCA BUSTAMANTE
COUNTY CLERK, SANTA FE COUNTY, N.M.

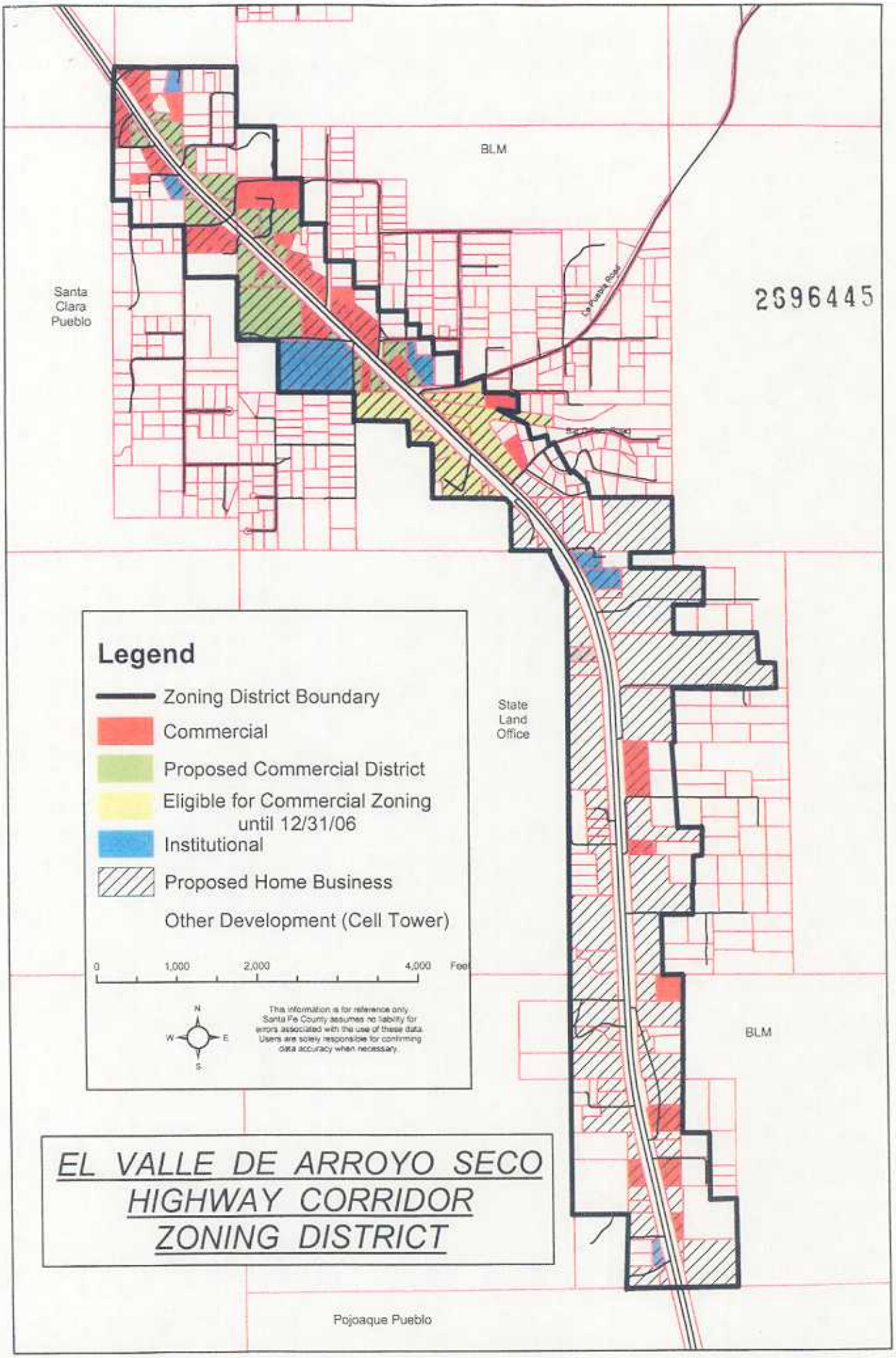
DEPUTY

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2003-8, was filed in my office on the 30 day of OCT, 2003, in book Number 2696 at Page 433-448.

SANTA FE COUNTY CLERK

REBECCA BUSTAMANTE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Santa Clara Pueblo
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State Land Office
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Zoning District Boundary
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Eligible for Commercial Zoning until 12/31/06
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EL VALLE DE ARROYO SECO
HIGHWAY CORRIDOR
ZONING DISTRICT